

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

UNITED STATES OF AMERICA AND)
JENNIFER SANTOS, REVENUE OFFICER)
OF THE INTERNAL REVENUE SERVICE,)
Petitioners,) NO. 3:13-cv-01064
v.) JUDGE CAMPBELL
ROVILIO CRUZ,)
Respondent.)

MOTION FOR A STAY BECAUSE OF LAPSE OF APPROPRIATIONS

The United States of America, on behalf of its agency, the Internal Revenue Service (“IRS”) hereby moves for a stay of all proceedings in the above-captioned case.

At the end of the day on September 30, 2013, the appropriations act that had been funding the Department of Justice expired and appropriations to the Department lapsed. The Department does not know when funding will be restored by Congress.

Absent an appropriation, Department of Justice attorneys are prohibited from working, even on a voluntary basis, except in very limited circumstances. These include “emergencies involving the safety of human life or the protection of property,” 31 U.S.C. § 1342, or when Department attorneys have express legal authority to continue working such as by court order. If the Court denies this motion for a stay, the United States Attorney’s Office will comply with the Court’s order and staff the case appropriately to comply with the Court’s order.

Undersigned counsel for the Department of Justice therefore requests a stay of the entire case until Congress has restored appropriations to the Department.

If this motion for a stay is granted, undersigned counsel will notify the Court as soon as Congress has appropriated funds for the Department. The Government requests that, at that point, all current deadlines for the parties be extended commensurate with the duration of the lapse in appropriations.

Therefore, although we greatly regret any disruption caused to the Court and the other litigants, the Government hereby moves for a stay of this case until Department of Justice attorneys are permitted to resume their usual civil litigation functions.

Respectfully submitted,

DAVID RIVERA
ACTING UNITED STATES ATTORNEY
FOR THE MIDDLE DISTRICT OF TENNESSEE

s/ Steve Jordan
STEVE JORDAN, Tennessee BPR #013291
Assistant U.S. Attorney
110 Ninth Avenue South, Suite A-961
Nashville, TN 37203
Telephone (615) 736-5151
Facsimile (615) 401-6626
steve.jordan@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing was filed electronically via the Court's electronic filing system, and served via first class mail, U.S. postage prepaid, this 1st day of October, 2013, to the following:

Rovilio Cruz
1944 Port James Circle
Antioch, TN 37013-1524

s/ Steve Jordan
STEVE JORDAN
Assistant U.S. Attorney